

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NO : 20501 of 2004

Between:

Smt. M. Anantha Lakshmi, S/o Venkateswarlu,
Addanki Mandal, Prakasam District.

..... PETITIONER

AND

- 1 District Collector, Prakasam District, (Civil Supplies), Ongole.
- 2 Joint Collector, Prakasam District. Ongole.
- 3 The Revenue Divisional Officer, Ongole Division, Ongole.
- 4 K.Paramesh, Nagulapadu Village, Addanki Mandal,
Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order more particularly one in the nature of writ of mandamus or an appropriate writ or order declaring the proceedings in D.Dis.C.1002/2004, dt. 14-10-2004 passed by the 3rd respondent and the consequential order in proceedings in Rc.CS2/4382/2004, dt. 28-10-2004 passed by 1st respondent as illegal, arbitrary, unconstitutional and against principles of natural justice

Counsel for the Petitioner: MR.A.RAJASEKHAR REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.4: Mr. M.S.N.Prasad

The Court made the following :

ORDER:

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The writ petitioner was an authorised fair price shop dealer of Nagulapadu village, Addanki Mandal, Prakasam District, since 1996. She was initially appointed as a temporary dealer and thereafter as a permanent dealer in 2002. The third respondent suspended the dealership of the petitioner by proceedings dated 12-08-2004. Against the said order, the petitioner preferred an appeal to the second respondent. The appellate authority - second respondent granted stay on 17-08-2004 and thereafter in the appeal, orders were passed remitting the matter to the third respondent for disposal. Eventually, on remand, the third respondent cancelled the dealership of the petitioner by proceedings dated 14-10-2004. Aggrieved thereby, the petitioner preferred an appeal to the second respondent who granted stay on 20-10-2004 by suspending the operation of the order of the third respondent dated 14-10-2004.

The fourth respondent and four others, residents of Nagulapadu village, appear to have filed a revision petition before the first respondent aggrieved by the orders of the second respondent granting suspension on 20-10-2004. In this revision, the first respondent passed an order of dated 28-10-2004 staying the order of the second respondent dated 20-10-2004. Aggrieved by the order,

dated 28-10-2004 of the first respondent, the writ petition is filed.

The order impugned in the writ petition is an interim order passed on the revision petition filed by the fourth respondent and four others, residents of the village. The revision petition is, however, pending. The principal contention urged on behalf of the petitioner is that the fourth respondent is a mere resident of the village and as such he has no *locus standi* to prefer any revision against the order of the second respondent granting stay in the appeal preferred by her against the order of the third respondent canceling her dealership. It is contended that the fourth respondent cannot be said to be a person aggrieved within the meaning of the expression in the Andhra Pradesh Public Distribution System (Control) Order, 2001. On behalf of the petitioner, the merits of her case justifying the grant of the order of stay by the second respondent are also urged.

The contention that the fourth respondent as a mere villager of Nagulapadu has no *locus standi* to prefer a revision against an order of the authority cancelling or suspending a dealership of a fair price shop, is patently misconceived. The villagers who are the consumers of essential commodities vended under the public distribution system do have *locus standi* to participate in any proceedings, provided in any scheme or order of the State for ensuring proper regulation of such scheme. The public distribution system itself is meant for the speedy and effective supply of essential commodities to the villagers. In the circumstances and on these premises, the consumers certainly have a *locus standi* to participate in the regulation of the scheme of distribution of essential commodities, which right includes a right to participate in any quasi judicial regulation of the scheme. As the revision petition preferred by the fourth respondent and four others before the first respondent is thus seen to be legitimately instituted and as revision petition itself is pending, this Court does not find any justification for interfering with the exercise of discretion by the first respondent in granting an interim order. All issues on merits of the petitioner's case or the contentions of the fourth respondent and others shall have to be adjudicated by the first respondent while

disposing of the revision petition.

In the circumstances, the writ petition is disposed of directing the first respondent to expeditiously and preferably within a period of four months from the date of receipt of a copy of this order, dispose of the revision petition filed by the fourth respondent and others against the orders of the second respondent dated 20-10-2004. No order as to costs.

(GODA RAGHURAM, J)

Date: 15-12-2004

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To

- 1 District Collector, Prakasam District, (Civil Supplies), Ongole.
- 2 Joint Collector, Prakasam District. Ongole.
- 3 The Revenue Divisional Officer, Ongole Division, Ongole.
- 4 Two CCs to G.P. for Civil Supplies, High Court buildings,
Hyderabad.(O.U.T.)
- 5 Two CD copies